

HAROLD J. NORSOPH

IBLA 83-954

Decided December 29, 1983

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease application NM 56410 for parcel NM 225.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: First-Qualified Applicant -- Oil and Gas Leases: Noncompetitive Leases

A simultaneous oil and gas lease application is properly rejected where the executed lease forms and the first year's rental payment were not received by BLM within 30 days from the receipt of notice.

APPEARANCES: Harold J. Norsoph, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Harold J. Norsoph appeals from an August 1, 1983, decision of the New Mexico State Office, Bureau of Land Management (BLM), rejecting simultaneous oil and gas lease application NM 56410 for parcel NM 225 (January 1, 1983, "Notice of Lands Available for Oil and Gas Filings").

The decision of BLM sets forth the following facts, which are not in dispute. Appellant's application was drawn number one in the February 1983 drawing. On May 26, 1983, BLM mailed to appellant a decision of that same date entitled, "Lease Forms and Stipulations Enclosed for Execution, Payment of First Year's Rental Required." The decision informed appellant that his application had been drawn number one, and that he was allowed 30 days from receipt of the decision to execute and file with the New Mexico Office all copies of the lease form and stipulations and to pay the first year's rental in the amount of \$80. The decision also expressly stated, "In the event of noncompliance within the time allowed this application will be considered finally rejected and closed without further notice. See 43 CFR 3112.6-1(d)."

On May 31, 1983, appellant received the decision requesting execution of copies of the lease form, stipulations, and submission of the rental. On July 8, 1983, BLM received the lease forms, stipulations, and rental, which

were due on or before June 30, 1983. 1/ On August 1, 1983, BLM issued the decision which is now appealed to this Board. In this decision, BLM rejected appellant's offer to the lease for noncompliance with the requirement of the regulation 43 CFR 3112.4-1(a) that the lease agreement and rental be filed in the proper office within 30 days from the date of receipt of notice.

On appeal appellant contends that the lease form was illegible; that he was taking care of his ill mother from May to July 1983; and that the involved parcel represents the only time he has won since he "began participating in the drawings -- at considerable expense."

[1] The lease terms on the back of the lease form in question are extremely hard to read because the print is small and the copy is blurred. In these circumstances, appellant should have contacted BLM to provide him with a more legible copy. He did not do this. While the blurred condition of the forms is unfortunate, it does not constitute a basis for reaching any other result than BLM reached.

Under the provisions of 43 CFR 3112.4-1(a) the executed lease agreement and the first year's rental payment must be filed with the proper BLM office within 30 days from the date of receipt of notice. 2/ BLM may not accept the forms and rental payment after the 30-day period because the rights of the second and third-qualified applicants have intervened. Pioneer Farmout #1, Ltd., 76 IBLA 337 (1983); Hampton P. Stewart, 72 IBLA 358 (1983); Dawson v. Andrus, 612 F.2d 1280 (10th Cir. 1980). While it is unfortunate that appellant may have been delayed by the illness of his mother from timely returning the lease forms and rental payment, strict compliance with the above regulations is mandatory in order to ensure fairness and uniform treatment for all applicants in the simultaneous drawings. Vernie Lysengen, 78 IBLA 1 (1983); Thomas E. Lewis, 70 IBLA 69 (1983); Warren A. Haas, 66 IBLA 107 (1982).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Anne Poindexter Lewis
Administrative Judge

We concur:

Bruce R. Harris
Administrative Judge

James L. Burski
Administrative Judge

1/ The lease forms were dated June 23, 1983, by appellant.

2/ Under revised regulations published July 22, 1983, and effective Aug. 22, 1983, this requirement is presently located at 43 CFR 3112.6-1. 48 FR 33648, 33680 (July 22, 1983).

